

UNITED STATES DISTRICT COURT

Eastern

DISTRICT OF

Wisconsin

EXHIBIT AND WITNESS LIST

V.

Case Number: 12-CV-664

PRESIDING JUDGE JUDGE J.P. Stadtmauer					PLAINTIFF'S ATTORNEY James J. Gende	DEFENDANT'S ATTORNEY Susan Lappen
TRIAL DATE (S) 03/25/2019					COURT REPORTER	COURTROOM DEPUTY
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
1					Milwaukee County Health Transfer Summary dated 9/13/10.	
2					Milwaukee County Major Incident Report dated 9/13/10.	
3					Milwaukee County – Progress Notes Summary.	
4					Milwaukee Criminal Justice Facility Jail log dated 9/13/10.	
5					Time line for Perry, James Franklin.	
6					Incident Report Milwaukee Police Department Supplement 0015.	
7					Aurora Sinai Medical Center Certified Medical Records dated 9/13/10.	
8					City of Milwaukee Medical Receiving Screening Form dated 9/13/10.	
9					Incident Report Milwaukee Police Department Supplement 003.	
10					Milwaukee Police Department Standard Operating Procedure – Prisoners dated 5/19/10.	
11					Incident Report Milwaukee Police Department ORIG page 2 of 7.	
12					Milwaukee Police Department Educational Materials – Student Version.	
13					Incident Report Milwaukee Police Department Supplement 0022.	
14					Incident Report Milwaukee Police Department Supplement No 002 dated 9/13/10.	
15					Milwaukee Police Department: Positional Asphyxia.	
16					Detailed History for Police Call.	
17					Incident Report Milwaukee Police Department.	
18					Incident Milwaukee Police Department Supplement 0012.	
19					Incident Report Milwaukee Police Department Supplement 0012.	
20					Milwaukee Police Department Standard Operating Procedure – Prisoners – Investigative Holds.	
21					Incident Report Milwaukee Police Dept. Supplement No 0004.	
22					Incident Report Milwaukee Police Department Supplement No. 0005.	

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

Page 1 of 15 Pages

EXHIBIT

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PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
23					Incident Report Milwaukee Police Department Supplement no. 0012.	
24					Daily Cell Block Check.	
25					Milwaukee Police Department Paradigm Shift: Struggling and resistance can indicate an immediate	
26					Major Incident Report dated 9/13/10.	
27					Milwaukee County Jail Log.	
28					Transcript of Chief Ed Flynn U Tube Video 10/30/12.	
29					Milwaukee Police Department Memorandum dated November 21, 2012.	
30					News Article "Chief Ed Flynn on Derek Williams' Death" dated 10/24/12.	
31					Incident Report Milwaukee Police Department dated 9/13/10 Supplement 0025.	
32					Second Supplement Responses of City of Milwaukee Defendants to Plaintiffs' Request Nos. 2 and 4	
33					Milwaukee Police Department Standard Operating Procedure 090 Prisoners effective May 19, 2010	
34					Incident Report Milwaukee Police Department Supplement 0030 dated 10/12/12.	
35					Incident Report Milwaukee Police Department Supplement 0008 dated 9/14/10.	
36					Milwaukee Police Department Memorandum dated 11/21/12.	
37					Aurora Sinai Medical Center Medical Records 9/13/10.	
38					Reports from Det. Davis Folder.	
39					Incident Report Milwaukee Police Department Supp. 23.	
40					Incident Report Milwaukee Police Department Supp. 003.	
41					Incident Report Milwaukee Police Department Supp. 0024.	
42					Incident Report Milwaukee Police Department Supp. 0025.	
43					Milwaukee Fire Department Ambulance Record.	
44					Milwaukee Fire Department In Malter OF: 2/2/11.	

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Page 2 of 15 Pages

UNITED STATES DISTRICT COURT

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45					Incident Report Milwaukee Police Department Supplement No 0015.	
46					Sandry Notes.	
47					Draft Version of Sandry Report.	
48					Email correspondence Susan Lappen to Sandry 2/5/15.	
49					Milwaukee Police Department Expectorant Shield Training.	
50					Email from Michelle Sandry to Susan Lappen 4/16/15.	
51					Pictures of the Scene after the Passing of Perry.	
52					Expert Report of Robert Prevot dated November 25, 2014.	
53					Expert Report of Rachal Waldron dated November 24, 2014.	
54					Medical Records from WLCFS Christian Family Counseling.	
55					Medical Examiners Investigative Report.	
56					Medical Examiners Hand Notes.	
57					Medical Examiners' Hand Notes.	
58					Milwaukee County Bates No 0463.	
59					Demographic Report.	
60					Milwaukee County Policy Legal Duty of Care.	
61					Video Recordings from Milwaukee County Jail.	
62					Video Compiled from Videos provided by Defendants.	
63					Video of PPS Adult Booking 1 Elevator Camera.	
64					Video of PPS Elevator Cam.	
65					Video Adult Booking Hallway Cam.	
66					Video Booking Room 513 Cam.	

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Page 3 of 15 Pages

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PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
67					Video Booking Room 515 Cam.	
68					Video PPS Elevator Cam.	
69					Video Booking Room 516 Cam.	
70					Video Booking Room 519 Cam.	
71					Amendment to SOP 090 Prisoners.	
72					Responses of the City of Milwaukee Defendants to Plaintiffs' First Requests for Defendants to Produce.	
73					Supplemental Response of the City of Milwaukee Defendants to Plaintiffs' Request Nos. 1, 2, & 16.	
74					Responses to Plaintiffs' First Set of Interrogatories to Alexander C. Ayala dated 03/06/2014.	
75					Responses to Plaintiffs' First Set of Interrogatories to Jacob Ivy dated 03/07/2014.	
76					Responses to Plaintiffs' First Set of Interrogatories to Luke Lee dated 03/07/2014.	
77					Responses to Plaintiffs' First Set of Interrogatories to Rick Bungert dated 03/07/2014.	
78					Responses to Plaintiffs' First Set of Interrogatories to Karl Robbins dated 03/07/2014.	
79					Responses to Plaintiffs' First Set of Interrogatories to Franklin Santiago dated 03/07/2014.	
80					Responses to Plaintiffs' First Set of Interrogatories to Margarita Diaz-Berg dated 03/07/2014.	
81					Responses to Plaintiffs' First Set of Interrogatories to Corey Kroes dated 03/10/2014.	
82					Responses to Plaintiffs' First Set of Interrogatories to Crystal Jacke dated 03/10/2014.	
83					Responses to Plaintiffs' First Set of Interrogatories to Frank Salinsky dated 03/10/2014.	
84					Responses to Plaintiffs' First Set of Interrogatories to Richard Lopez dated 03/11/2014.	
85					Third Supplemental Responses of the City of Milwaukee Defendants to Plaintiffs' Request No. 4 for.	
86					Responses to Plaintiffs' Second Request for Admissions to all City Defendants dated 08/12/2014.	
87					Responses to Plaintiffs' Third Request for Admissions to all City Defendants dated 04/24/2015.	
88					Responses to Plaintiffs' First Request for Admissions and Interrogatories to Rich Bungert dated 07/	

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PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
89					Responses to Plaintiffs' First Request for Admissions and Interrogatories to Karl Robbins dated 07/1/2010	
90					Responses to Plaintiffs' First Request for Admissions and Interrogatories to Margarita Diaz-Borg dated 07/1/2010	
91					Responses to Plaintiffs' First Request for Admissions and Interrogatories to Frank Salinsky dated 07/1/2010	
92					Responses to Plaintiffs' First Request for Admissions and Interrogatories to Corey Kroes dated 07/1/2010	
93					Responses to Plaintiffs' First Request for Admissions and Interrogatories to Richard Lopez dated 07/1/2010	
94					Responses to Plaintiffs' First Request for Admissions and Interrogatories to Crystal Jacks dated 07/1/2010	
95					Responses to Plaintiffs' First Request for Admissions and Interrogatories to Luke Lee dated 07/15/2010	
96					Responses to Plaintiffs' First Request for Admissions and Interrogatories to Franklin Santiago dated 07/15/2010	
97					Responses to Plaintiffs' First Request for Admissions and Interrogatories to Alexander Ayala dated 07/15/2010	
98					Photograph of the Split mask (DCF No. 90-4).	
1001					Perry Certified Medical Records from Aurora Sinai Medical Center (9/13/2010)	
1002					Medical Records Screening Form	
1003					MPD Incident Report 102560219 - Supplement No. 3	
1004					SOP - 090-Prisoners -- Effective May 19, 2010	
1005					MPD Incident Report 102560219 - ORIGINAL; Page 2 of 7	
1006					MPD Educational Materials - Student Version - Officer Responsibilities (pp. 26-27)	
1007					MPD Incident Report 102560219 - Supplement No. 22	
1008					MPD Incident Report 102560219 - Supplement No. 2	
1009					MPD Educational Materials - Student Version - Positional Asphyxia (p. 46)	
1010					CAD #102561995 from 9/13/2010	
1011					MPD Incident Report 102560219 - Original (pp. 6-7)	
1012					MPD Incident Report 102560219 - Supplement No. 12; MPD00193-196	

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	1013				MPD Incident Report 102560219 - Supplement No. 12; MPD00083-86	
	1014				MPD PPD PI-44 - Conclusion of Internal Investigation (PPD-2010-0532)	
	1015				SOP - 090-Prisoners -- Roll Call version RE: Investigative Holds -- Effective 3/23/2011	
	1016				MPD Incident Report 102560219 - Supplement No. 4	
	1017				MPD Incident Report 102560219 - Supplement No. 5	
	1018				Daily Cell Block Check	
	1019				Paradigm Shift Worksheet	
	1020				Transcript of MPD Youtube Video recorded 10.30.12 with Aurora Patient Education	
	1021				IAD Memo from Sgt. Racine to Lt. Sgrignuoli RE: Lt. Karl Robbins (11/21/2012)	
	1022				Expressmilwaukee.com articles (2)	
	1023				MPD Incident Report 102560219 - Supplement No. 25	
	1024				Letter with Second Supplemental Responses to Plaintiffs' Request Nos. 2 & 4 and Amended Respo	
	1025				SOP - 090 - Prisoners -- Effective 5/19/2010 (pp. 1-3 of 31)	
	1026				MPD Incident Report 102560219 - Supplement No. 30 (10/12/2012)	
	1027				MPD Incident Report 102560219 - Supplement No. 8	
	1028				MPD PPD PI-44 - Conclusion of Internal Investigation (PPD-2010-0532)	
	1029				MPD Incident Report 102560020 - Original	
	1030				MPD Incident Report 102560020 - Supplement No. 5	
	1031				MPD Incident Report 102560020 - Supplement No. 8	
	1032				MPD Incident Report 102560219 - Supplement No. 13	
	1033				MPD Incident Report 102560219 - Supplement No. 18	
	1034				MPD Incident Report 102560219 - Supplement No. 19	

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Page 6 of 15 Pages

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	1035				MPD Incident Report 102560219 - Supplement No. 21	
	1036				Guardianship Paperwork for minor child -- 3/8/2010	
	1037				Uniform Child Custody Affidavit -- 3/8/2010	
	1038				Birth Certificate of Minor Child (James F. Perry I; DOB: 12/22/2001)	
	1039				Determination and Order on Petition for Guardianship of Minor -- 4/30/2010	
	1040				Verification Letter for Kinship Care payments (4/22/2014)	
	1041				Divorce Documents of Anglia Garner -- November 1995	
	1042				SSA-1099 for 2013 Payments received by Anglia Garner for James F Perry	
	1043				Cover Letter from Messmer Catholic Schools (encl. Application)	
	1044				Decedent's Social Security Card and State ID	
	1045				Decedent's Birth Certificate -- James Franklin Perry Jr. DOB: 4/18/1969	
	1046				MPD Incident Report 102560219 -- Original & Supplement Nos. 1, 2, 4-13, 15, 17-19, 21-23, 26-31	
	1047				MPD Incident Report 102560219 - Supplement Nos. 23, 10, 11, 4, 9, 5	
	1048				MPD Incident Report 102560219 - Supplement No. 24	
	1049				MFD Ambulance Records	
	1050				MFD Memo from Kimber to Lt. Behling re: 9/13/2010 run (dated 11/2/2011)	
	1051				Handwritten Notes "Admit & Release"	
	1052				Draft Version of Sandry Report	
	1053				Lappen e-mail to Sandry dated 2/25/2015	
	1054				MPD Expectorant Shield Training - In-Service 2003-2004	
	1055				Sandry e-mail to Lappen dated 4/16/2015	
	1056				MacGillis Report with Curriculum Vitae	

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PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
	1057				MacGillis handwritten notes	
	1058				CIRB Report	
	1059				Email to MacGillis from Lappen 1/29/2015	
	1060				Email to MacGillis from Lappen 2/4/2015	
	1061				Email to IAD from Lappen re: MacGillis 2/26/2015	
	1062				Email from MacGillis to Lappen 3/24/2015	
	1063				Email from MacGillis to Lappen 3/27/2015	
	1064				Email from MacGillis to IAD/KW 3/30/2015	
	1065				Complete critical Incident file 10-0532 (Dkt. No. 95-2)	
	1066				Property Control/Property Sheet (MPD00313-314; Dkt. No. 95-4)	
	1067				Orders for Detention/Release (Dkt. No. 95-7)	
	1068				CPR Training video cover 2001-2009 (Dkt. No. 95-9)	
	1069				In-service training powerpoint for first responders (Dkt. No. 95-10)	
	1070				Timeline of Events on 9/13/2010 (based on Incident Report) (Dkt. No. 95-11)	
	1071				24-40 Hour Temporary Holding Facility Course -- Instructor version, Student version, & Powerpoint	
	1072				MacGillis CV - Current	
	1073				Waldron Expert Opinion with Curriculum Vitae (Dkt. No. 72-2)	
	1074				Prevot Resume	
	1075				Prevot Schedule of Fees	
	1076				Prevot Expert Report (Dkt. No. 72-1)	
	1077				Investigative Report (Medical Examiner)	
	1078				CD containing autopsy photos	

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	1079				Hand notes taken on scene	
	1080				Hand notes made during video viewing	
	1081				Bates Milwaukee County 0463	
	1082				Demographic Report	
	1083				County Policy Legal Duty of Care	
	1084				Poulos CV - Current	
	1085				Allen, Warren deposition transcript	
	1086				Arndt, Anthony deposition transcript	
	1087				Ayala, Alexander (Part I) deposition transcript	
	1088				Ayala, Alexander (Part II) deposition transcript	
	1089				Bell, Stephon deposition transcript	
	1090				Borman Jr., Dale deposition transcript	
	1091				Bungert, Rick deposition transcript	
	1092				Coogan MD, Paul deposition transcript	
	1093				Davis, Marlon deposition transcript	
	1094				Diaz-Berg, Margarita deposition transcript	
	1095				Flynn, Chief Edward deposition transcript	
	1096				Franklin, Marquita deposition transcript	
	1097				Garner, Angilla deposition transcript	
	1098				Hale, Fatrena deposition transcript	
	1099				Holmes, Darius deposition transcript	
	1100				Ivy, Jacob (Part I) deposition transcript	

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Page 9 of 15 Pages

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	1101				Ivy, Jacob (Part II) deposition transcript	
	1102				Jacks, Crystal deposition transcript	
	1103				Jahnke MD, Renee deposition transcript	
	1104				Jeff, Sheila deposition transcript	
	1105				Jones, Shannon deposition transcript	
	1106				Kleckbusch, Kelly DVD of deposition	
	1106a				Kleckbusch, Kelly deposition transcript	
	1107				Kimber, Jarod deposition transcript	
	1108				Kroes, Corey deposition transcript	
	1109				Lee, Luke deposition transcript	
	1110				Lopez, Richard deposition transcript	
	1111				MacGillis, James deposition transcript	
	1112				Menzel, Richard deposition transcript	
	1113				Pope-Wright, Monica deposition transcript	
	1114				Potterton, Rebecca DVD of deposition	
	1114a				Potterton, Rebecca deposition transcript	
	1115				Poulos MD, Christopher deposition transcript	
	1116				Prevot, Robert deposition transcript	
	1117				Puechner, Andrew deposition transcript	
	1118				Robbins, Karl deposition transcript	
	1119				Salinsky, Frank deposition transcript	
	1120				Sandry, Michelle deposition transcript	

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Page 10 of 15 Pages

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PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
	1121				Santiago, Frollan deposition transcript	
	1122				Schmidt, Richard deposition transcript	
	1123				Thomas, Harold deposition transcript	
	1124				Virgo, Nichole deposition transcript	
	1125				Waldron MD, Rachel (Part I) deposition transcript	
	1126				Waldron MD, Rachel (Part II) deposition transcript	
	1127				Watts, Tina deposition transcript	
	1128				Wenzel, Cheryl deposition transcript	
	1129				Medical Release Documents From ER	
	1130				Detective Fischer interview of Perry AUDIO CD	
	1130a				Detective Fischer interview of Perry Transcript	
	1131				Video from PPS pre-booking hallway	
	1131a				Video from PPS pre-booking hallway transcript	
	1131b-1				PPS pre-booking hallway still photos (11 total; b-l)	
	1132				Video from PPS booking room 511	
	1132a				Video from PPS booking room 511 transcript	
	1132b-n				Room 511 still photos (13 total; b-n)	
	1133				Video from PPS booking room 515	
	1133a				Video from PPS booking room 515 transcript	
	1134				Video from PPS booking room 516	
	1134a				Video from PPS booking room 516 transcript	
	1134b-1				Room 516 still photos (8 total; a-l)	

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	1135				Video from PPS booking room 519	
	1135a				Video from PPS booking room 519 transcript	
	1136				Video from elevator (1)	
	1136a-d				Elevator 1 still photos (4 total; a-d)	
	1137				Video from Elevator (2)	
	1137a-b				Elevator 2 still photos (2 total; a-b)	
	1138				Video from CJF - by door	
	1138a-f				CJF - by door still photos (6 total; a-f)	
	1139				Video from CJF - by desk station	
	1139a-d				CJF - by desk station still photos (4 total; a-d)	
	1140				Diagram of 5th Floor (City Jail)	
	1141				Diagram of Basement Sallyport area of City Jail	
	1142				Map showing PPS, CJF, MFD & Aurora locations	
	1143				Demonstrative Split Mask	
	1143a				Photo of demonstrative split mask	
	1144a-g				Photos of Perry's split mask & MPD evidence bag (7 total; a-g; Dkt. No. 90-4)	
	1145a-o				Cell A-3 Photos (5)	
	1146				DVD of Kleckbusch deposition excerpts	
	1147				Kleckbusch deposition excerpts transcript	
	1148				DVD of Potterton deposition excerpts	
	1149				Potterton deposition excerpts transcript	
	1150				Medical Records highlighted by Potterton	

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	1151				Potterton diagram (hand-drawn)
	1152				Jeffrey A. Breall, M.D. Curriculum Vitae
	1153				Jeffrey A. Breall Expert Report
	1154				Chad J. Zawitz, M.D. Curriculum Vitae
	1155				Chad J. Zawitz Expert Report
					WITNESS: Garner, Anglia
					WITNESS: Perry Jr., James Franklin
					WITNESS: Virgo, Nicole
					WITNESS: Kroes, Corey
					WITNESS: Santiago, Froilan
					WITNESS: Ivy, Jacob
					WITNESS: Lee, Luke
					WITNESS: Ayala, Alexander
					WITNESS: Salinsky, Frank
					WITNESS: Robbins, Karl
					WITNESS: Bungert, Rick
					WITNESS: Diaz-Berg, Margarita
					WITNESS: Jacks, Crystal
					WITNESS: Lopez, Richard
					WITNESS: Puechner, Andrew
					WITNESS: Kimber, Jarod
					WITNESS: Hale, Patrena

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PRESIDING JUDGE JUDGE J.P. Stadtmueller					PLAINTIFF'S ATTORNEY James J. Gende	DEFENDANT'S ATTORNEY Susan Lappen
TRIAL DATE (S) 03/25/2019					COURT REPORTER	COURTROOM DEPUTY
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
					WITNESS: Flynn, Edward	
					WITNESS: Davis, Marlon	
					WITNESS: Bormann Jr., Dale	
					WITNESS: Allen, Warren	
					WITNESS: Thomas, Harold	
					WITNESS: Evans, Tyrone	
					WITNESS: Harrison, Michele R.	
					WITNESS: Bell, Stephon	
					WITNESS: Coogan M.D., Dr. Paul	
					WITNESS: Fletcher, Todd	
					WITNESS: Franklin, Marquita	
					WITNESS: Jahnke M.D., Dr. Renee	
					WITNESS: Jones, Shannon	
					WITNESS: Klockbusch, Kelly	
					WITNESS: Potterton R.N., Rebecca	
					WITNESS: Wenzel, Cheryl	
					EXPERT WITNESS: Waldron M.D., Dr. Rachel L.	
					EXPERT WITNESS: Prevot, Robert	
					EXPERT WITNESS: Sandry, Michelle	
					EXPERT WITNESS: Poulos, Dr. Christopher	
					EXPERT WITNESS: Macgillis, Lt. James	
					EXPERT WITNESS: Zawitz M.D., Dr. Chad	

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

Page 14 of 15 Pages

UNITED STATES DISTRICT COURT

Eastern

DISTRICT OF

Wisconsin

EXHIBIT AND WITNESS LIST

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